

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN

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SAMUEL HAYWOOD MYLES,

Plaintiff,

v.

Case Number: 14-cv-661-bbc

UNITED STATES, RAVI GUPTA,  
and CHRISTINA KANNEL,

Defendants.

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**DEFENDANT KANNEL'S MOTION TO  
EXTEND OR STAY THE DEADLINES IN THE PRELIMINARY  
PRETRIAL CONFERENCE ORDER**

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Defendant Christina Kannel, by her attorneys, John W. Vaudreuil, United States Attorney for the Western District of Wisconsin, and Assistant United States Attorney Barbara L. Oswald, pursuant to Fed. R. Civ. P. 6(b)(1)(A), submits this Motion to Extend or Stay the Deadlines in the Preliminary Pretrial Conference Order entered in this case. Prelim. Pretrial Conf. Order, ECF No. 27.

As grounds for this motion, Defendant Kannel offers the following:

1. Plaintiff Samuel Myles ("Plaintiff") has been allowed to proceed on a Federal Tort Claim Act claim against the United States, and Eighth Amendment claims for deliberate indifference against Defendants Ravi Gupta, M.D. and Christina Kannel. Compl., ECF No. 1; Op. and Order, entered December 23, 2014, ECF No. 13.
2. Pursuant to the Court's Preliminary Pretrial Conference Order, all

dispositive motions must be filed by Monday, November 16, 2015. Prelim. Pretrial Conf. Order, ECF No. 27 at 5.

3. On August 25, 2015, Defendant Kannel moved for summary judgment on Plaintiff's claim against her, based on immunity as a Public Health Services officer, pursuant to 42 U.S.C. § 233(a), but did not address the merits of Plaintiff's claims. ECF No. 70.

4. Defendant Kannel moved for summary judgment, prior to any discovery being conducted on the claim against her. *Id.*

5. Defendant Kannel's Motion for Summary Judgment is still pending before the Court.

6. Therefore, Defendant Kannel's status as a Defendant in this lawsuit remains unresolved and she is currently not in a position to move for summary judgment on the merits of Plaintiff's claim against her.

7. Depending on when the Court decides Defendant Kannel's Motion for Summary Judgment based on immunity under 42 U.S.C. § 233(a), she may not be in a position to meet the other deadlines set forth in the Preliminary Pretrial Conference Order.

Dated this 12th day of November, 2015.

Respectfully submitted,

JOHN W. VAUDREUIL  
United States Attorney

By:

*s/ Barbara L. Oswald*  
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